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February 5, 2024

The National Propane Gas Association (NPGA) writes to express our backing for the appeals<sup>123</sup> submitted by regarding specific provisions proposed for inclusion in the 2024 International Energy Conservation Code (IECC). We share the appellants' concerns over the potential impacts of these provisions on energy choice, market competitiveness, and the procedural integrity of the IECC development process.

The "direction" provided by ICC staff as laid out by Renée Lani in APGA's January 2 letter of appeal reflects concerns NPGA shares regarding changes in the IECC's scope. The ICC staff should have adhered to the board's position and not commented on the scope, the end result of which was to actually modify the stated scope of the code. Subsequently, the board neglected its duty by failing to counteract the staff's memo and instead issued an indirect statement that resulted in confusion about the code's scope and intent.

We are acutely aware of the issues raised relating to the efficiency requirements of appliances within the scope of the Energy Policy and Conservation Act. The compelling evidence provided by appellants concerning violations of preemption provisions calls for a clear decision in their favor. We share appellants' concerns and believe they merit serious attention by the ICC.

The NPGA also shares APGA's concerns about certain controversial provisions targeting energy-specific mandates such as those mandating electric vehicle power transfer infrastructure and requirements for "electric-ready" and "solar-ready" buildings. The potential for federal preemption, given recent legal precedents, necessitates a cautious approach to their inclusion in the building codes.

Furthermore, we endorse the serious allegations regarding the development of an "omnibus" proposal by a discreet group of committee members. The integrity of the ICC development process stands in jeopardy, warranting an immediate and thorough investigation.

In light of these shared concerns, we endorse the requests for remedial action proposed by APGA, including a stay on the publication of the 2024 IECC or the exclusion of the contested provisions until the appeals process is completed. This is crucial to ensure that the IECC remains a credible, balanced, and legally sound framework for energy conservation in building design and construction.

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<sup>1</sup> Letter to Dominic Sims from Renée Lani of APGA dated January 2, 2024

<sup>2</sup> Letter to Dominic Sims from Michael Murray of AGA dated January 2, 2024

<sup>3</sup> Letter to Dominic Sims from ICC Northeast Regional Coalition dated December 29, 2023

Please feel free to contact me if you need additional information.

Sincerely,

*Bruce Swiecicki*

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